

REMARKS:

Claims 36-51 are presented for examination, with claims 1-35 having been cancelled. Claims 36, 40, 44, and 48 have been amended herein.

The Applicant thank the Examiner for reconsidering and withdrawing previously issued claim objection and rejections under 35 U.S.C. 101 and 112.

Claim Rejection Under 35 USC § 103

In the Office Action, the examiner has maintained the rejection of claims 36 thru 51 over Levering et. al. (“Levering”), in view of website www.tdcanadatrust.com (“TD Canada Trust”), Ref. U. Initially, it is noted that applicant does not necessarily concur with the Examiner, in the Examiner’s analysis of the claims and the Levering and TD Canada Trust references. Nevertheless, in order to expedite prosecution of the application, the independent claims 36, 40, 44, and 48 have been amended hereto to more clearly recite the distinct features of the present invention. More particularly, the independent claim 36, for example, now recites, inter alia, the following:

- “selecting with a computer, if it has been determined from the past security documents sent to the investors that the investor did not receive the first part, the first part of the first security document ;
- selecting with a computer, if it has been determined from the past security documents sent to the investors that the investor did not receive the second part, the second part of the second security document from the document storage database”. (emphasis added)

Specifically, the Examiner states that “[r]egarding TD Canada Trust, a user or investor must use a computer to select...for download. Next TD Canada Trust shows how an investor or user using a computer can easily select and download Part A and Part B of a mutual fund prospectus.” Office Action at 2-3. (emphasis added) Thus, the Examiner acknowledges that the TD Canada Trust, at best, discloses, teaches, or suggests that it is responsibility of an investor to visit the TD Canada Trust website to select download materials for each mutual fund that the investor owns.

In contrast, in context of the mutual fund industry, as detailed above, the Applicant’s claimed invention eliminates the burden from each investor to figure whether he or she needs a particular part because he or she has previously received it, and helps mutual funds and/or their agents to efficiently comply with a requirement for a mandatory delivery of mutual fund information to each investor, irrespectively of whether a particular investor chooses to visit a website for a particular mutual fund. Consequently, the TD Canada Trust, in fact, teaches away from the Applicant’s claimed invention, and therefore, the Examiner employs impermissible hindsight in combining the TD Canada Trust with Levering.

Second, the Applicant again repeats that TD Canada Trust further does not disclose, teach, or suggest how to “combining with a computer the selected first part of the first security document and the selected second part of the second security document into an investor document.” For example the choice “Money Market Funds” (emphasis added) in the second column on page 3 of TD Canada Trust represents that each file in the second column contains information for more than one specific fund.

Therefore, the Examiner has not met the burden of showing *prima facie*

obviousness to combine Levering and TD Canada Trust, by a person of ordinary skill in the art at the time of the claimed invention and has employed impermissible hindsight.

Consequently, it is respectfully submitted that the rejection of claim 36 has been overcome.

Further, it is noted that each independent claim 40, 44, and 48 is patentable for the same reasons as claim 36 is patentable.

Further, it is noted that each of claims 37-39, 41-43, 45-47, and 49-51 depends (directly or indirectly) from one of independent claims 36, 40, 44 and 48. Thus, while various features recited in these dependent claims may be patentably distinct on their own, in order to expedite prosecution of the application it will simply be noted here that each of these dependent claims is submitted to be patentably distinct for at least the same reasons as the independent claim from which it depends.

Additionally, as detailed above, this Amendment is fully supported by the originally filed application and thus, no new matter has been added. For this reason, the Amendment should be entered.

Therefore, the Examiner's rejection under 35 U.S.C. §103 (a) is moot, and or the reconsideration of the Examiner's position with respect to Levering reference in view of TD Canada Trust is earnestly sought.

Conclusion

Accordingly, it is respectfully submitted that the rejection raised by the Examiner in the March 9, 2009 Office Action has been overcome and or rendered moot and that the above-identified application is now in condition for allowance. If such action cannot be taken, however, the Examiner is cordially invited to place a telephone call to Applicant's

attorney to resolve any outstanding issue without the issuance of a further Office Action.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,
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